

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA) Greensboro, North Carolina
) September 12, 2024
vs.) 9:38 a.m.
)
JAROD GABRIEL SEEMUNGAL,)
) Case No. 1:23CR260-1
Defendant.)
_____)

TRANSCRIPT **EXCERPT** OF SENTENCING
BEFORE THE HONORABLE WILLIAM L. OSTEEEN, JR.
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: ERIC L. IVERSON
OFFICE OF THE U.S. ATTORNEY
101 S. EDGEWORTH STREET, 4TH FLOOR
GREENSBORO, NORTH CAROLINA 27401

BRIAN MUND
DOJ-CRM
10TH & CONSTITUTION AVE. NW
JOHN C. KEENEY BUILDING, SUITE 600
WASHINGTON, DC 20530

For the Defendant: KATHLEEN A. GLEASON
OFFICE OF FEDERAL PUBLIC DEFENDER
301 N. ELM ST., STE. 410
GREENSBORO, NC 27401

Court Reporter: Joseph B. Armstrong, FCRR
324 W. Market, Room 101
Greensboro, NC 27401

Proceedings reported by stenotype reporter.
Transcript produced by Computer-Aided Transcription.

PROCEEDINGS

(At 9:38 a.m., proceedings commenced.)

(Defendant present.)

THE COURT: All right. Mr. Iverson, you may proceed.

MR. IVERSON: Good morning, Your Honor, Eric Iverson for the United States. This is the United States vs. Jarod Gabriel Seemungal, 1:23CR260. Mr. Seemungal is represented by Ms. Gleason, and we are here for a sentencing hearing. We do have victim impact statements to present before we proceed into that phase, though.

THE COURT: All right. Ms. Gleason, good morning.

MS. GLEASON: Good morning, Your Honor.

THE COURT: Are you and Mr. Seemungal ready to proceed?

MS. GLEASON: We are.

THE COURT: All right. Have you reviewed the presentence report with him?

MS. GLEASON: Yes, sir.

THE COURT: Are there any objections?

MS. GLEASON: There are not. And, Your Honor, I'll let the Court know that I was here yesterday, as the Court likely knows, with Mr. Felix's -- Mr. St. Felix's sentencing, and I heard the Court's statement about the role enhancement. I've discussed it with Mr. Seemungal, and there's no fight, Your Honor.

1 **THE COURT:** Okay. I'll -- well, let me go ahead and
2 ask Mr. Seemungal since I kind of got a little ahead of myself.
3 Have you reviewed the presentence report with Ms. Gleason?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Do you agree with the report?

6 **THE DEFENDANT:** Yes.

7 **THE COURT:** All right. You may have a seat.

8 Ms. Gleason, I'm just going to go ahead and sign this order
9 relating to the forfeiture. Any objection to that?

10 **MS. GLEASON:** No, sir.

11 **THE COURT:** All right. Let me take care of that and
12 give that to Ms. Daniel.

13 All right. And let me do this. I'm a little out of
14 order. We'll turn to the victims in a minute; but if I don't
15 do this now, I'll forget. I need to just go ahead and adopt
16 the presentence report and get that out of the way.

17 In Mr. Seemungal's case, I will adopt the presentence
18 investigation report without change. The offenses of
19 conviction do not carry mandatory minimum sentences. The
20 resulting advisory guideline calculation is as follows:

21 A total offense level of 43.

22 A criminal history category of I.

23 A guideline imprisonment range of life in prison.

24 A supervised release range as to Count One of one to
25 three years; Counts Two and Seven, two to five years.

1 A fine range of 50,000 to \$500,000.

2 A special assessment of \$100 as to each count is
3 mandatory.

4 Restitution in the amount of 4 million -- I can't
5 read my own handwriting. Is it a 4,038,000 or 638?

6 **MS. GLEASON:** 38, Your Honor.

7 **MR. IVERSON:** 38.

8 **THE COURT:** \$4,038,479.39 is due. The Government has
9 filed a motion requesting a downward departure which we will
10 discuss at the appropriate time.

11 All right, Mr. Iverson, if you want to proceed with
12 the victims, you may do so.

13 **MR. IVERSON:** Yes.

14 **PROBATION OFFICER:** Your Honor?

15 **THE COURT:** Yes, sir.

16 **PROBATION OFFICER:** The fine range is 50,000 to
17 250,000. You said 500,000.

18 **THE COURT:** Okay, thank you. The fine range is
19 50,000 to \$250,000.

20 **MR. IVERSON:** Thank you. Ms. Heissenberg?

21 **MS. HEISSENBERG:** Good morning, Your Honor.

22 It is something I wanted to do today to just look,
23 look at you, sir. I don't even know if I can say "sir." I
24 brought my husband here because I wanted him also to see you
25 and to put some finality to this awful ordeal.

1 I don't think you have any idea of what you have put
2 us through. I don't think in your slightest thoughts that you
3 have thought of us. I'm 70 years old. I worked so hard in my
4 life, which you don't even know anything about hard work, I
5 believe.

6 My husband, he's going to be 64, and he's got
7 advanced Parkinson's. I don't wish anything on anybody,
8 especially such a terrible sickness; but, sir, I don't wish you
9 to enjoy any of our money. You've squandered everything that I
10 worked so hard for, and it was so, so awful to hear. I can't
11 even imagine. I can't imagine one whole life of savings, and
12 you just took it all, and you didn't care, no compassion,
13 nothing, nothing.

14 And as I've said in this court, I'm broken. I have
15 no tears, but I still have my God. I still have my faith.
16 And, again, I want to say to you, the lowest of the low in my
17 mind, and I wanted to tell you to your face.

18 It has been very, very hard. I was away to visit my
19 sister, and you took advantage. You knew exactly when I was
20 leaving and when I was coming back, and you took everything in
21 one shot. But not only that, shame on you, you came back. You
22 came back in my home. In my home! You have no idea what a
23 home is, and you came back with your awful people, and you
24 threatened us. You violated us. Second time you victimized
25 us.

1 There is no words. You have no, no right to look at
2 me, no right, no right to look at us. What you have done to
3 us, it is terrible. It is just terrible.

4 Your Honor, I'm glad to be here because I want to see
5 a strong sentence towards that man.

6 You have no idea. You probably don't even think
7 about your own mom, your own sister. Whoever you have, I don't
8 know, but we're human beings. Twice! You weren't satisfied
9 with \$3 1/2 million, you wanted whatever was left. And then
10 you made me make a lot of mistakes on my money, and I made a
11 lot of mistakes because of the fear that you inflicted on me.

12 I was never this afraid in my life. Never! I had
13 courage. I was strong. You took it down. But not all, not
14 all. I'm here to say that you didn't. You didn't --
15 ultimately, you did not win, and I'll be glad to see you in. I
16 don't want you out there to hurt anybody else, any poor people,
17 any weak people, any disabled person that is at the end of
18 their lives, and they wanted to have a decent retirement,
19 someplace I could take him on a cruise. I could take him
20 someplace with me to have at least some good years, good times.
21 But, no, you had to come back. Are you satisfied?

22 Well, I'll be satisfied when I'll know you're in, and
23 I hope it will be a long time, Your Honor. I've really prayed
24 that it's going to be a long time and that you're not going to
25 hurt anybody else as much as you hurt me and my husband. You

1 understand? I hope you do. I hope you do, because I -- I'm
2 afraid. You have no, no idea how many sleepless nights I've
3 had, the sleep that evades me all the time. You sleep good
4 probably. I don't. I have someone to take care of. I have
5 myself and my husband to take care of.

6 Who knows, we may have, who knows, 10 years, 20
7 years, and you took the good part of it out because I always
8 dreamed to have a good retirement. I worked for it. I worked
9 for it. I feel like I deserved it, and how dare you take it
10 all away?

11 And as I said again and again, the worst, coming back
12 twice. Twice! You animal, in my eyes, twice you came back.
13 How dare you? I wish for you not to sleep. I wish that on
14 you, to lay up at night and think about the future and
15 everything that's happened.

16 Your Honor, please, justice, justice and restitution.
17 I hear "restitution." I hear them getting help and everything,
18 which is good. I want people to be -- to face whatever God
19 they believe in one day and to reckon with Him and be better.
20 I do want that.

21 But when is our restitution? Do you care about that?
22 When are we going to be made whole? When? When? You're going
23 to be in jail, and you won't even have to pay anything for so
24 long. What's going to happen to us? Do you care at all? I'm
25 sure you don't. I just don't think you do, to do such vile,

1 vile things.

2 Please, Your Honor, do everything you can for justice
3 and restitution to us, please. I thank you.

4 **THE COURT:** Yes, ma'am. Thank you, Ms. Heissenberg.

5 (Excerpt concluded.)
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C E R T I F I C A T E

I certify that the foregoing is a correct transcript
from the record of proceedings in the above-entitled
matter.



Joseph B. Armstrong, FCRR
United States Court Reporter
324 W. Market Street
Greensboro, NC 27401

Date: 09/19/2024